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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/966,368 11/07/97 THIARD-LAFORET

A 0107-0974-3R

022850 MM91/0206  
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EXAMINER

PATEL T
ART UNIT PAPER NUMBER

2839  
DATE MAILED:

02/06/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/966,368

Applicant(s)

Affred-Thiard-Laforet

Examiner

T. C. Patel

Group Art Unit

2839

☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 24-44 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 24-44 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

### DETAILED ACTION

1. Please note the change of EXAMINER.
2. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

The sufficiency of reissue declaration under 37 CFR 1.175(a)(1) should be revisited/reconsidered. It does not appear that the applicant has specifically identified an error in the patent as the basis for reissue as required by 37 CFR 1.175(a)(1). Rather the applicant makes a general allegation of an error by stating that the patent did not include the following claim:

A method for providing an electrical and fluid connector on an electro-fluidic conductor, said electrical and fluidic connector having a first member and a second member that are separate and both electrically conductive, said second member having a fluid port that facilitates fluidic connection to a fluid conductor and said second member being configured to facilitate electrical connection to an electrical conductor, said method comprising steps of:

(a) securing said first member to said electro-fluidic conductor such that said first member encircles an end portion of said electro-fluidic conductor and forms a fluid tight seal thereto, and electrically connects therewith; and

(b) matably connecting said first member to said second member such that said first member and said second member define a hollow inner chamber that comprises a fluid tight chamber for passing fluid between said electro-fluidic conductor and said fluid port of said second

member, and wherein said first member and said second member themselves define an electrical connection between said electro-fluidic conductor and said electrical conductor when said electrical conductor is attached to said second member.

This statement does not satisfy applicant's requirement to specifically identify an error. A reissue applicant must acknowledge the existence of an error in the specification, drawing, or claims, which error causes the original patent to be defective. *In re Wilder*, 736 F.2d 1516, 222 USPQ 369 (Fed. Cir. 1984).

In identifying the error, it is sufficient that the reissue oath/declaration identify a single word/phrase, or expression in the specification or on the original claim, and how it renders the original patent wholly or partly inoperative or invalid. It is not sufficient to merely reproduce the claims and state that it will identify the error. See *In re Constant*, 827 F.2d 728, 729, 3 USPQ2d 1479 (Fed. Cir.), Cert. denied, 484 U.S. 894 (1987).

3. Claims 24-44 are rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the oath/declaration is set forth in the discussion above in this Office action.

4. Claims of this application has been copied from U.S. Patent No. 5,573,414 for the purpose

of an interference.

Applicant has failed to specifically apply each limitation or element of each of the copied claim(s) to the disclosure of the application.

The applicant has provided support for claim 24 in the specification but has not provided support for other copied claims 25-44.

5. The Applicant is required to file a statement alleging that there is a basis upon which the applicant is entitled to a judgement relative to the patentee under 37 CFR 1.608.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 24-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.


Claim 24, lines 1-2, recites "electrical and fluid connector" where as line 3, recites "said electrical and fluidic connector", it is not clear if both are the same.

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Art Unit: 2839

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8. Any inquiry concerning this communication should be directed to T. C. Patel (please include both the initials in all the written communications) at telephone number (703) 308-1736. The Group fax number are (703) 308-7722 and (703) 308-7724

tcp  
February 6, 2001  
file: 08966368.13

  
**TULSIDAS PATEL**  
**PRIMARY EXAMINER**